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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,274	09/07/2004	Jonathan Kirschner	25040-1166	5273
29052	7590	02/15/2008	EXAMINER	
SUTHERLAND ASBILL & BRENNAN LLP			ALEXANDER, REGINALD	
999 PEACHTREE STREET, N.E.				
ATLANTA, GA 30309			ART UNIT	PAPER NUMBER
			3742	
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			02/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/711,274	KIRSCHNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Reginald L. Alexander	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 January 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) 13 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 1/08.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 applicant recites that the turret plate may be removed from the turret shaft. It is unclear how the arrangement is achieved since the shaft, which made up of the first and second connectors, is attached to the turret plate by way of the second connectors. There is no disclosure of a releasable means of connecting the second connectors to the turret plate.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sierk et al.

There is disclosed in Sierk a removable turret 15 for a product rotation system, comprising: a turret frame 2; a turret plate 16, 17; and a turret shaft connecting the plate to the frame for rotation, the turret shaft comprising a pair of first (female) connectors 23

and 25, 26, 27 attached to the frame, and a pair of second (male) connectors (projecting edges of shaft 18) attached to the turret plate via hubs 19, 20, the first and second connectors releaseably mating therewith. In regards to claims 11 and 12, the female connectors define apertures and the male connectors (projecting edges) define protrusions.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sierk in view of Hamilton et al.

Sierk, as discussed above, discloses all of the claimed subject matter except for a dovetail shaft and groove arrangement which makes up the rotary shaft.

Hamilton disclose a rotary shaft arrangement including a pair of first connectors (male members, dovetail shaft) e, e attachable to a supporting frame member; and a pair of second connectors (female members, dovetail grooves) j, j attached to a rotary member F.

It would have been obvious to one skilled in the art to substitute the connecting shaft arrangement taught in Sierk with that disclosed in Hamilton, in order to allow faster removal of the turret from the turret frame and a more secure fitting of the turret within the frame.

In regards to which pair of connectors is the male (dovetail shaft) or female (dovetail groove) member, such is an obvious matter of design choice. Since the function of the two members together is the same once connected.

Claims 1, 2, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Courtois in view of Sierk et al.

There is disclosed in Courtois a removable turret for a coffee making device, comprising: a turret frame (coffee maker housing); a rotatable turret plate 2, the plate including a plurality of apertures 1a, 1b having a size which could accommodate a beverage pod; and a turret shaft (vertical shaft at the center of the turret plate), the shaft including a connector (wing nut) for releaseably connecting the turret plate to the frame.

Sierk, as discussed above, discloses that it is old and well known to mount a removable turret within a frame by use of a pair of mating first and second connectors.

It would have been obvious to one skilled in the art to substitute the shaft and connector arrangement of Courtois with that taught in Sierk, in order to provide a more secure fitting of the turret within the frame.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Courtois in view of Adams et al.

Courtois, as discussed above, discloses all of the claimed subject matter except for a pair of male connectors attached to the turret frame and a pair of female connectors attached to the turret plate.

Adams discloses that it is old and well known to mount a removable turret within a frame by use of a pair of male connectors (projections) 56, 150 mounted to the frame and mating with a pair of female connectors 146, 148 mounted to the turret.

It would have been obvious to one skilled in the art to substitute the shaft and connector arrangement of Courtois with that taught in Adams, in order to provide a more secure fitting of the turret within the frame.

***Allowable Subject Matter***

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 10 January 2007 have been fully considered but they are not persuasive. Applicant argues that Sierk fails to disclose a pair of first connectors attached to a turret frame and a pair of second connectors attached to the turret plate. Applicant argues that there are no pairs of any element.

The fact that the connectors at the top are different structures than the connectors at the bottom does not mean that they are not pairs. Use of the broad recitation of connectors in the claims, means that so long as there are two a pair is defined.

Applicant argues that Hamilton fails to disclose connecting a turret shaft with a turret plate. Hamilton is disclosed to show the use of a dovetail arrangement and first connectors as male members and second connectors as female members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Reginald L. Alexander/  
Primary Examiner, Art Unit 3742  
05 February 2008